REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as mutually exclusive species in an intermediate-final product relationship under M.P.E.P. §806.04(b) and that the intermediate product is useful as a hard drive disk.

However, it can be seen that the crystallized glass of the claims of Group I is not a species of the optical filter of the claims of Group II, nor does the crystallized glass of the claims of Group I lose its identity in the final product, i.e., the optical filter of the claims of Group II, as is typical in intermediate-final product relationships. It is clear that the claims of Groups I and II fall under M.P.E.P. §806.05(c) as combination-subcombination with the subcombination being the crystallized glass of the claims of Group I and the combination being the optical filter of the claims of Group II. In order to establish that combination-subcombination inventions are distinct, two-way distinctness must be demonstrated by the Examiner. Since two-way distinctness has not been demonstrated by the Examiner in the Restriction Requirement, it is requested that the claims of Group I and Group II be rejoined and examined in the present application.

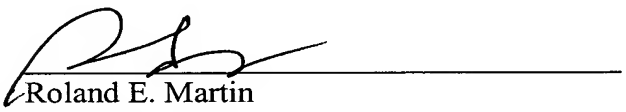
Further, Applicants traverse the restriction requirement on the grounds that the Patent and Trademark Office has not shown that a burden exists in searching all of the claims. Applicants respectfully point out that thousands of U.S. patents have issued in which many more than two subclasses have been searched, and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

Accordingly, or the reasons presented above, Applicants submit that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Finally, the Examiner has checked the box in the section of priority under 35 U.S.C. §119 that none of the certified copies of the priority documents have been received. However, a request for acknowledgement of a claim for foreign priority and the priority document were submitted to the Patent and Trademark Office on December 1, 2003. It is requested that the Examiner review the foreign priority document and acknowledge the claim for foreign priority under 35 U.S.C. §119 in the next Official Action.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Roland E. Martin
Registration No. 48,082

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
REM/rac